

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

May 19, 2003
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Doug Reese, Ron Christianson, Bruce DeBlieck, Denis Anderson, Nancy Houlahan, Rick Fagerlie, Jim Dokken, and David Chapin; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Police Chief Jim Kulset, Fire Chief Marv Calvin, Public Works Director Mel Odens, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, and City Clerk Kevin Halliday.

Council Member DeBlieck offered a motion adopting the Consent Agenda which included the following: City Council Minutes of May 5, Municipal Utilities Commission Minutes of May 12, Rice Hospital Minutes of May 13, Planning Commission Minutes of May 14, Pioneerland Library Board Minutes of March 20, Community Education and Recreation Minutes of March 21, Housing and Redevelopment Authority Minutes April 8, and Zoning Appeals Minutes of May 12, 2003. Council Member Reese seconded the motion, which carried.

At 7:03 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Section 2 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. City Administrator Schmit informed the Mayor and Council the utility replacement charge is based on sewer hook up. A fund will be established for the replacement of sewer and water lines and remove costs from the special assessments. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the meeting at 7:04 p.m.

Council Member Christianson offered a motion to adopt, assign a number, and order final publication of the Ordinance Amending Section 2 of the Rate Schedule for Users of the City of Willmar Waste Treatment Plant. Council Member Chapin seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 7:11 p.m. Mayor Heitke opened the hearing on an Ordinance Extending the Corporate Limits of the City of Willmar. Planning and Development Services Director Peterson informed the Mayor and Council that Duinick Companies have petitioned for the annexation of 1.49 acres east of First Street South, which will be the site of the Country Inn and Suites. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the meeting at 7:12 p.m.

Council Member Reese offered a motion to adopt, assign a number, and order final publication of the Ordinance Extending the Corporate Limits of the City of Willmar. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Heitke recognized Mr. Frank Cesario who presented the Community Strategic Technology Plan. The Plan is designed to assist communities competing in the future economy by using technology. Mr. Cesario explained that the technology planning team, comprised of City, County, Rice Memorial Hospital, Chamber of Commerce and local business staff members, developed a Community Strategic Technology Plan which will serve as a roadmap for technology

upgrades, and offers assistance to Willmar officials to plan for upgrading technology. The use of technology should improve the services to Willmar citizens.

Following discussion, Council Member Anderson moved to accept the report and refer the matter to the Finance Committee. Council Member Reese seconded the motion, which carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

City Administrator Schmit presented to the Mayor and Council a Vision 2020 proposal and Cultural Liaison Position strategy. Mr. Schmit requested Council action renewing their commitment to the community visioning process and to approve funding arrangements for the Cultural Liaison position. It was noted that because of pending cuts to the Local Government Aid program, Staff was working to develop a funding partnership as an alternative to the City's previous commitment to fund the position beyond the \$75,000 Blandin grant. Mr. Schmit reviewed the proposed new format including organizational structure and cost sharing by various partners.

Resolution No. 1 was introduced by Council Member Reese, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

RENEWING THE CITY COUNCIL'S COMMITMENT TO THE COMMUNITY VISIONING PROCESS

WHEREAS, the Willmar City Council had determined that a vision and plan for the future of Willmar based on direct input from the Community was a priority; and

WHEREAS, the planning process has included a series of Community meetings and the ongoing work of a Steering Committee; and

WHEREAS, the Community has developed a Vision Statement identifying vision elements representing critical or strategic factors that must be addressed by decisive leadership perspective and a community-wide effort, and designated priority areas of Diversity and Tolerance, Economic Sustainability, Life-long Learning, and Culture and Recreation; and

WHEREAS, the Project Stakeholders have met to review progress, reevaluate priorities, goals and objectives, and determine the future of the Vision 2020 initiative; and

WHEREAS, the Stakeholders have determined that it is in the best interests of the City to continue with the visioning process placing emphasis on the priority areas of economic development, diversity and tolerance, community image, and youth;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council to renew its commitment to the development of the City and surrounding area through the actions and principles of Vision 2020.

Dated this 19th day of May, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Council Member Reese moved to approve the new program to fund the Cultural Liaison position. Council Member Chapin seconded the motion, which carried. Council Member Anderson abstained from voting.

Mayor Heitke called for recess at 8:30 p.m. and reconvened the meeting at 8:47 p.m.

The Finance Committee Report of May 12, 2003, was presented to the Mayor and Council by Council Member Anderson. There were three items for Council consideration.

Item No. 1 The Committee reviewed budget request forms for the 2004 Budget. Committee Members and Council Members were encouraged to contact City staff if additional information is needed to submit any recommendation for the Mayor to consider while he compiles the proposed 2004 budget. This matter was for information only.

Item No. 2 The Committee and staff briefly discussed the 2002 Finance Department Annual Report. The Council is encouraged to contact staff if they have any additional questions or clarification of the information presented. This matter was for information only.

Item No. 3 The Committee reviewed the first quarter Rice Memorial Hospital Financial Report. Concerns centered around operational actual to budget comparisons which indicated approximately a \$726,000 decline in projected net gains. Hospital representatives indicated that the census in all areas was down. April numbers were looking better, and cost-containing measures are being reviewed to be implemented if needed. This matter was for information only.

The Finance Committee Report for May 12, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Anderson, seconded by Council Member Reese, and carried.

The Public Works/Safety Committee Report of May 13, 2003, was presented to the Mayor and Council by Council Member Reese.

Item No. 1 The Committee reviewed an amendment to the professional services agreement with Waters Edge Design Group for the Civic Center Locker Room Addition. The request is to increase the reimbursable cost portion of the contract agreement from \$1,000 to \$2,000 due to the large number of plan holders and higher printing costs. Staff also noted that the receivables for the project also increased by \$1,085.00.

The Committee was recommending to the Council approval the amendment to the agreement and revise the budget accordingly to cover the additional printing costs. Resolution No. 2 was introduced by Council Member Reese, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into a contract amendment to supplement the agreement between the City of Willmar and Waters Edge Design Group. The supplement includes costs for reimbursables of additional printing.

BE IT FURTHER RESOLVED, the original contract amount of not to exceed \$17,000.00 is hereby amended by \$1,000.00 for a total not to exceed figure of \$18,000.00.

Dated this 19th day of May, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Resolution No. 3 was introduced by Council Member Reese, seconded by Council Member Chapin, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

REVISED CIVIC CENTER ARENA
LOCKER ROOM EXPANSION BUDGET
ESTIMATED TOTAL COST \$251,000

PERSONNEL SERVICES:

| | |
|--------------------------|---------------|
| Overtime Reg. Employees | \$ 300.00 |
| Salaries Temp. Employees | 500.00 |
| Employer Pension Contr. | <u>800.00</u> |
| Total: | \$1,600.00 |

RECEIVABLES:

| | |
|-------------|-------------------|
| State Grant | \$ 50,000.00 |
| City | <u>201,000.00</u> |
| Total: | \$251,000.00 |

SUPPLIES:

| | |
|--------------------------|---------------|
| Office Supplies | \$ 300.00 |
| Small Tools | 100.00 |
| Motor Fuels & Lubricants | 100.00 |
| Postage | 300.00 |
| General Supplies | <u>200.00</u> |
| Total: | \$1,000.00 |

FINANCING:

| | |
|-------------|-------------------|
| State Grant | \$ 50,000.00 |
| City | <u>201,000.00</u> |
| Total: | \$251,000.00 |

OTHER SERVICES:

| | |
|-----------------------|-----------------|
| Printing & Publishing | \$ 1,900.00 |
| Mtce. of Other Impr. | 220,000.00 |
| Other Services | <u>5,000.00</u> |
| Total | \$226,900.00 |

OTHER CHARGES:

| | |
|-----------------------|------------------|
| Licenses & Taxes | \$ 500.00 |
| Professional Services | <u>20,000.00</u> |
| Total: | \$ 21,500.00 |

GRAND TOTAL: \$251,000.00

Dated this 19th day of May, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 Mr. Sheets of Waters Edge Design Group presented to the Committee revised plans for the rebid of the Civic Center Locker Addition. The architect was directed by Council action to downsize the project in order to keep it within the project budget. The revision to the project includes removal of the multi-purpose meeting room, a reduction of remodeling, and other miscellaneous modifications.

The Committee was recommending to the Council approval of the plans and specifications as presented and authorize advertisement for bids to be opened June 16, 2003. Resolution No. 4 was introduced by Council Member Reese, seconded by council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for the Civic Center Locker Room Addition for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Bids will be publicly opened and read at 1:00 p.m. on the 16th day of June, 2003, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 19th day of May, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee continued its discussion of sewer and water service line repairs and replacements. This was brought back to the Committee to find a solution to recent disputes with the current policy. It was the consensus of the Committee to modify the existing sanitary sewer services policy and apply it to water services as well. The present sewer service line policy allows 50 percent City participation up to a maximum \$1,000 on residential property. The Committee agreed with the present policy for sewer lines with the exception that it should include commercial property.

The Committee was recommending to the Council that staff develop language for a new policy which addresses both water and sewer services, consult with the Municipal Utilities, and bring back to Committee for final approval. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 4 The Committee reviewed the bids received for the 2003 Street and Other Improvements – Project No. 0301, and noted a total of three bids were received, all under the engineer's estimate. Staff recommends awarding the bid to the low bidder, Duininck Bros. The

Committee was recommending to the Council to award the contract for Project No. 0301 to Duininck Bros. Inc. and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck Bros. Inc. of Prinsburg, Minnesota for City Project No. 0301 – 2003 Street Improvements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$619,017.58.

Dated this 19th day of May, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Committee reviewed bids received for Project 0306 - 2003 28th Avenue Signal Installation. Three bids were received all under the engineer's estimate and the Committee discussed Home Depot's cost participation. Staff recommended awarding to the low bidder, Design Electric. The Committee was recommending to the Council to award the contract for Project No. 0306 to Design Electric. and authorize the Mayor and City Administrator to sign on behalf of the City.

Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member Chapin read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Design Electric, Inc. of St. Cloud, Minnesota for City Project No. 0306 – 2003 28th Avenue Signal Improvements is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$183,377.00.

Dated this 19th day of May, 2003.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 5 The Committee reviewed a quote received from Willmar Municipal Utilities to install three wood pole street lights in the 23rd Avenue and 21st Street SW area, and three decorative pole streets lights along the 23rd Avenue SE walkway and park in the amount of \$7,400.00 (Project No. 0307).

The Committee was recommending to the Council to authorize Willmar Municipal Utilities to construct the lighting as quoted. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Chapin seconding the motion, which carried.

Item No. 6 The Committee reviewed the proposed route for the fiber optic system along with the need and its benefits to the City. Staff explained that the County would fund the project and the City would retain ownership of the fiber optic. Council Member DeBlieck spoke in opposition to the arrangement as it appears to be in competition with Allied Power.

The Committee was recommending to the Council approval of the project as presented. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Chapin seconding the motion, which carried on a roll call vote of Ayes 6, Noes 2 – Council Members DeBlieck and Dokken voted “No.”

Item No. 7 The Committee discussed water problems in the ditch in front of the Armory on Highway 71-23 and directed staff to study the matter. This matter was for information only.

The Public Works/Safety Committee Report of May 13, 2003, was approved as presented and ordered placed on file in the City Clerk’s Office upon motion by Council Member Reese, seconded by Council Member Chapin and carried.

The Community Development Committee Report of May 14, 2003, was presented to the Mayor and Council by Council Member DeBlieck. There were three items for Council consideration.

Item No. 1 The Committee discussed correspondence from the State of Minnesota Department of Administration relative to the possible sale of the Willmar Regional Treatment Center (WRTC). Development options and appraisal results were reviewed. Staff suggested the Committee meet with representatives of the County Board to discuss interest in the facilities.

The Committee was recommending to the Council that the County Board be invited to a future Committee meeting to discuss WRTC issues. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee with Council Member Christianson seconding the motion, which carried.

Item No. 2 The Committee reviewed the findings and recommendations of the Race Track Task Force. Of particular interest was the 2003 schedule for race track use and what was planned in the way of noise/dust mitigation. Options discussed included regulating hours of operation, controlling vehicle noise output, and the construction of noise barriers.

The Committee was recommending to the Council that staff be directed to send a letter to WISSOTA requesting a lower decibel limit for WISSOTA-sanctioned tracks, and to suggest that the Willmar Lakes Area Chamber of Commerce do likewise. Council Member DeBlieck moved to approve the recommendation of the Community Development Committee and to expend the noise reduction efforts with other communities. Council Member Dokken seconded the motion, which carried.

Item No. 3 Staff presented updates on the following projects: Sterling Courts Senior Housing, Country Inn and Suites, Menard's, Mill's, Home Depot, other 1st Street major retail projects, residential projects, Ridgewater College Virtual Nursing Lab, AGCO property re-use, airport land acquisition and design, and transportation planning. This matter was for information only.

The Community Development Committee Report of May 14, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report of May 14, 2003, was presented to the Mayor and Council by Council Member Houlahan. There were two items for Council consideration.

Item No. 1 The Committee considered a proposal to revise Section 2.4 of the City's Personnel Policy regarding nepotism. City Administrator Schmit talked about the difficulties of hiring the top candidates for Police Officer positions citing specifically the requirement under current policy to exclude in-laws by marriage. Administration was recommending changes to the policy to allow for greater flexibility in considering hires under certain "in-law" situations.

The Committee was recommending to the Council adoption of the revised policy as presented. Council Member Houlahan moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

Item No. 2 The Committee meeting was closed for the discussion of contract negotiations and strategies for various MUC and City proper bargaining groups and management positions. Upon reopening the meeting, the Committee summarized its discussion by noting that employees in the Department Head, First Line Supervisors and Confidential Employees; AFSCME General, AFSCME Public Works; City Attorney; and City Administrator be granted 3 percent adjustments for calendar year 2003. It was noted funds for the wage adjustments are included in the 2003 budget along with unexpended funds from the 2002 and 2003 budgets that are available due to delays in filling certain positions. It was also noted that LELS had filed for mediation and a meeting is schedule for Wednesday, May 21, 2003, and further that the agreements with the AFSCME groups include organizational changes shifting maintenance responsibilities for the Civic Center to the Public Works group.

The Committee was recommending to the Council that employees be granted the 3 percent adjustment as presented. Council Member Houlahan moved to approve the recommendation of the Labor Relations Committee with Council Member Reese seconding the motion, which carried.

The Labor Relations Committee Report of May 14, 2003, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Houlahan, seconded by Council Member Reese, and carried.

Planning and Development Services Director Peterson presented to the Mayor and Council an Ordinance to amend the Home Depot site annexation description. Mr. Peterson explained that due to a surveyor error, the annexation Ordinance was adopted with an incorrect legal description and the description has been corrected, but the Ordinance needs to be amended. Council Member Reese, moved to introduce an Ordinance Amending the Legal Description for the Annexation Property in Ordinance No. 1167. Council Member Fagerlie seconded the motion, which carried.

The Mayor and Council considered a premise permit renewal application for the American Legion Post 167. City Clerk Halliday informed the Council that the local unit of government must sign the premise permit application and send a resolution of approval submitted with the application to the Licensing Section of the Gambling Control Board.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Dokken, read by Mayor Heitke and approved on a roll call vote of Ayes 8, Noes 0.

REQUESTING THAT THE MINNESOTA GAMBLING
CONTROL BOARD APPROVE THE APPLICATION FOR A
PREMISE PERMIT FOR THE AMERICAN LEGION POST 167

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that the City approves of the Premise Permit for the American Legion Post 167 and respectfully requests that the State of Minnesota Gambling Control Board approve the Premise Permit to the American Legion Post 167.

/s/ Lester Heitke
MAYOR

Attest: CITY CLERK

There being no further business to come before the Council, the meeting adjourned at 9:32 p.m. upon motion by Council Member Reese, seconded by Council Member DeBlieck, and carried.

MAYOR

10